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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/882,733	06/15/2001	Mohan Sankaran	INFO-P016	9185

7590 04/01/2004

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EXAMINER

LE, DAVID Q

ART UNIT	PAPER NUMBER
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3621

DATE MAILED: 04/01/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/882,733

Applicant(s)

SANKARAN ET AL.

Examiner

David Q Le

Art Unit

3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 June 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Examiner's Note

1. The Examiner has pointed out particular references contained in the prior art of record in the body of this action for the convenience of the Applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claims, other passages and figures apply as well. It is requested from the Applicant, in preparing the response, to consider fully the entire references as well as the context of all passages in the cited references as potentially teaching all or part of the claimed inventions.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. **Claims 1, 11, 19 and 29** are rejected under 35 U.S.C. 102(e) as being anticipated by **Morley et al.**, US Patent Application Publication No. US 2002/0056081 A1..

As per **claims 1 and 19.**

Morley discloses

Art Unit: 3621

A source computer system [method] for transferring data over a computer system network (Abstract; Summary of the Invention; Fig 2, associated text), said method comprising the steps of:

- a) receiving an incoming request for data resident in a mass storage unit on said source computer system (Summary of the Invention; Fig 2; Par. 52)
- b) authenticating said incoming request (Fig 2, Par. 52);
- c) spawning a session thread that reads and parses a command received via said incoming request, said command for sending said data over said computer system network to a second computer system (Fig 2, Par 54-55);
- g) sending said encrypted and compressed data block to said second computer system over said computer system network (Fig 2, 5-6, associated text).

Morley doesn't specifically disclose

- d) writing at least a part of said data into a first data block buffer;
- e) compressing said part of said data in said first data block buffer into a compressed data block that is written to a second data block buffer;
- f) encrypting said compressed data block in said second data block buffer into an encrypted and compressed data block that is written to a third data block buffer (same citations as above);

However Morley does teach the use of buffer for processing parts of large data to be transmitted: how the data needs to be buffered, compressed, then encrypted, prior to being transmitted to a destination on a network (Fig 5-6, 8; associated text; Par. 104)). It would have been obvious to one ordinarily skilled in the art that these methods would have been inherent in Morley's system, so that data may be streamed efficiently, speedily, and securely from a source to a target computer system over a network.

As per **claims 11 and 29**.

Morley discloses

In a target computer system, a [system/method] for receiving data transferred over a computer system network (see all citations above), said method comprising the steps of:

- a) issuing a request for data to a source computer system on which said data resides (Fig 2, 5, associated text);
- b) spawning a session thread in response to a message from said source computer system (Fig 2, 5, associated text);

Morley does not explicitly describe in detail

Art Unit: 3621

- c) receiving from said source computer system at least one encrypted and compressed data block of said data, said encrypted and compressed data block transferred over said computer network
- d) writing said encrypted and compressed data block to a first data block buffer
- e) decrypting said encrypted and compressed data block into a compressed data block that is written to a second data block buffer and
- f) decompressing said compressed data block in said second data block buffer and writing a resultant data block to a third data block buffer.

However he does teach the use of buffer for processing parts of large data to be transmitted: how the data needs to be buffered, compressed, then encrypted, prior to being transmitted to a destination on a network (Fig 5-6, 8; associated text; Par. 104)). It would have been obvious to one ordinarily skilled in the art that these methods would have been inherent in Morley's system, so that data may be streamed efficiently, speedily, and securely from a source to a target computer system over a network.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 2-10, 12-18, 20-28, and 30-36** are rejected under 35 U.S.C. 103(a) as being unpatentable over **Morley et al.**, US Patent Application Publication No. US 2002/0056081 A1.

As per **claims 2, 12, 20 and 30**

Morley discloses all the limitations of claims 1, 11, 19, and 29 respectively.

He does not specifically disclose

verifying that data transfer to said second computer system is complete.

Art Unit: 3621

However this is a well known procedure in the transmission of data over network links, and one ordinarily skilled in the art would have implemented this feature in Morley's system, to ensure that transmission of the intended data would not be missing any parts at its destination. This is especially important when one is streaming digital movies, as described by Morley.

As per claims 3, 13, 21, and 31.

Morley discloses all the limitations of claims 1, 11, 19, and 29 respectively.

He further discloses

verifying that data transfer to said second computer system is without error (Par. 23-26).

As per claims 4, 14, 22, and 32.

Morley discloses all the limitations of claims 1, 11, 19, and 29 respectively.

He further discloses

computer system network is the Internet (Par 23-26).

As per claims 5, 15, 23, and 33.

Morley discloses all the limitations of claims 1, 11, 19, and 29 respectively.

He does not recite that

..data comprises data processed by an analytic application.

However the data that may be transmitted using Morley's system and method may be any type of data and would still be able to stream and be used as taught by Morley. This data is non-functional descriptive material and as such, cannot render nonobvious an invention that would have otherwise been obvious. Cf. In re Gulack, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983) (when descriptive material is not functionally related to the substrate, the descriptive material will not distinguish the invention from the prior art in terms of patentability). MPEP § 2106.

As per claims 6 and 24.

Morley discloses all the limitations of claims 1 and 19 respectively.

He does not recite that

incoming request uses Extensible Markup Language (XML).

Art Unit: 3621

However it is well known that XML is a powerful and popular language used on the Internet for many different applications involving data storage, transmission, and retrieval. It would have been obvious to one ordinarily skilled in the art at the time the invention was made to have chosen this language with Morley's system, in order to provide more flexibility and robustness to the data transmissions within his system.

As per claims 7, 16, and 25.

Morley discloses all the limitations of claims 1, 11, and 19 respectively.

He does not recite

translating said command into a plurality of tasks; storing said tasks in a task table in a given order; and executing said tasks in order until a task ending said session thread is found.

However these are well known methods for accepting, processing, and executing commands over a network; it would have been obvious to one ordinarily skilled in the art to have use these methods to handle and execute requests from clients for data delivery, so as to take advantage the best protocols available in network communications and operations.

As per claims 8, 17, 26, and 34.

Morley discloses all the limitations of claims 1, 11, 19, and 29 respectively.

He does not recite

first data block buffer and said second data block buffer are substantially equal in size and wherein said step e) comprises the step of: accumulating compressed data blocks before data are written to said second data block buffer, wherein enough compressed data blocks are accumulated to fill said second data block buffer.

However these are well now methods for buffering data when preparing to process it prior to transmission over a communications network. Morley does teach that buffers should be used in his system to make moving data about more rapid and efficient on computer resources (see above citations). Therefore it would have been obvious for one ordinarily skilled in the art at the time the invention was made to have included these features, again to provide better speed, functionality, and effectiveness for the system's data processing and transmission steps.

Art Unit: 3621

As per claims 9, 27 and 35.

Morley discloses all the limitations of claims 1, 19, and 29 respectively.

He does not recite

second data block buffer and said third data block buffer are substantially equal in size and wherein said step f) comprises the step of: accumulating encrypted and compressed data blocks before data are written to said third data block buffer, wherein enough encrypted and compressed data blocks are accumulated to fill said third data block buffer.

However these are well now methods for buffering data when preparing to process it prior to transmission over a communications network. Morley does teach that buffers should be used in his system to make moving data about more rapid and efficient on computer resources (see above citations). Therefore it would have been obvious for one ordinarily skilled in the art at the time the invention was made to have included these features, again to provide better speed, functionality, and effectiveness for the system's data processing and transmission steps.

As per claims 10, 18, 28, and 36.

Morley discloses all the limitations of claims 1, 19, and 29 respectively.

He does not recite

restoring a connection with said second computer system when an ongoing connection is lost; and resuming transfer of data to said second computer system at the point in said data where said ongoing connection was lost.

However these are well known methods for ensuring that lost connections will not cause total, catastrophic failures while transmitting large streams of data over a communications network. It would have been obvious for one ordinarily skilled in the art at the time the invention was made to build this feature into a critical application such as Morley's - streaming digital movies to theatres - so that only minimal interruptions of data stream would occur should connection loss be encountered.

Art Unit: 3621

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to David Q Le whose telephone number is 703-305-4567. The examiner can normally be reached on 8:30am-5:30pm Mo-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James P Trammell can be reached on 703-305-9768. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

DQL


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